HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O.No.4359 of 2006 (O&M)
Date of decision : 02.03.2007

Amirun Nisha & Otheres .....Appellants

versus

Sh.Bachhitar Singh and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Mr.Tribhuvan Dahiya, Advocate for the appellants.

ORDER

HEMANT GUPTA, J.

C.M.No.18780-CII of 2006

For the reasons mentioned in the application, the delay of 1653 days in refilling the appeal is condoned.

C.M.No.18781-CII of 2006

For the reasons mentioned in the application, the delay of 214 days in filing the appeal is condoned subject to all just exceptions.

F.A.O.No.4359 of 2006

The claimants are in appeal against the Motor Accident Claims Tribunal, Karnal, dated 20.12.2000, whereby a sum of Rs.3,32,000/- was awarded as compensation on account of the death of bread winner Mohammad Rafiq.

As per the claimants, the deceased is 43 years of age. The learned Tribunal has assessed monthly income of the deceased as

Rs.3000/- per month and by applying the multiplier of 13, the learned Tribunal awarded a sum of Rs.3,22,000/- as compensation. In addition thereto, the learned Tribunal has awarded Rs.5000/- as funeral expenses and Rs.5000/- for loss of consortium.

Learned counsel for the appellants has vehemently argued that the multiplier of 13 is on lower side. The learned Tribunal found that the deceased was 46 years of age. In fact, the claimants have pleaded in the claim petition that the deceased was 45 years of age. The age was stated to be 43 years by his wife. Therefore, I do not think that the multiplier of 13, applied by the learned Tribunal, in any way needs modification.

In view of the above, I do not find any illegality or irregularity in the order passed by the learned Tribunal which may warrants interference of this Court in First Appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 2, 2007
**mohinder*